

# The Gazette of India



EXTRAORDINARY

PART I—Section 1

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Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF INTERNATIONAL TRADE

PUBLIC NOTICE

IMPORT TRADE CONTROL

New Delhi, the 5th May 1964

**SUBJECT:—***Import of tobacco from U.S.A. under the Agricultural Commodities Agreement between the U.S.A. and India under U.S. Title I of the Agricultural Trade Development and Assistance Act of 1954 as amended (U.S. P.L. 480).*

**No. 37-ITC(PN)/64.**—Attention of the importers is invited to Ministry of Commerce and Industry Public Notice No. 49-ITC(PN)/63, dated 29th May 1963 setting out the general procedure applicable to imports of unmanufactured tobacco from U.S.A. under the Agricultural Commodities Agreement between the U.S.A. and India. The procedure outlined in Public Notice No. 49-ITC(PN)/63, dated 29th May 1963 with certain modifications will be applicable to imports of unmanufactured tobacco and/or tobacco products from U.S.A. against fresh Purchase Authorisation No. 39-118, dated 16th April 1963 issued by the U.S. Government. It may be noted that the cost for ocean transportation of unmanufactured tobacco under this programme will be financed upto a certain limit against the Purchase Authorisation No. 39-118-OT, dated 16th April 1963 which is reproduced in Annexure I-B to this Public Notice.

(2) A fresh Purchase Authorisation No. 39-118, dated 16th April 1963 (Annexure 1-A) has been issued by the U.S. Government for approximately 290 Metric tons of unmanufactured tobacco from 1963 or prior crop years for the amount of \$ 791,646. As specified in this Purchase Authorisation the contracting period will be from the 1st May, 1964 to the 31st July, 1964 and the delivery period will be from the 1st May, 1964 to the 31st August, 1964. The conditions specified in this Purchase Authorisation are reproduced in Annexure I-A to this Public Notice. Similarly, the delivery period as indicated in P.A. No. 39-118-OT, dated 16th April 1963 which has been issued for financing the ocean transportation of unmanufactured tobacco will be from 1st May 1964 to 31st August 1964. The conditions specified in P.A. No. 39-118-OT are reproduced in Annexure I-B. The importers should fully familiarise themselves with all the regulations and provisions of Purchase Authorisation Nos. 39-118 and 39-118-OT and should ensure by informing their suppliers in the U.S.A. that none of the regulations governing the sale of unmanufactured tobacco issued by the U.S. Department of Agriculture are violated.

(3) Against the aforesaid Purchase Authorisation, the Government of India will issue import permits (hereinafter referred to as sub-authorisations) in the form reproduced in Annexure II which will be governed by the conditions reproduced in Annexure III. Any further conditions that may become necessary to govern the said imports will be published from time to time.

(4) Importers will be permitted to purchase tobacco covered by the above sub-authorisation from the open market in the U.S.A.

(5) The price must specifically be stated in the contracts entered into by importers in India with suppliers in the U.S.A.

(6) Applications will be entertained for import of unmanufactured tobacco from 1963 or prior crop years from U.S.A. required for cigarette manufacture, pipe tobacco and cigar wrapper tobacco from Actual Users only. Such applications shall be made by registered post with acknowledgement due to the Chief Controller of Imports and Exports, New Delhi, in the usual form and manner giving the following information:—

- |                             |                              |
|-----------------------------|------------------------------|
| I. <i>Importer's grades</i> | <i>Quantity in Kilograms</i> |
| 1. ....                     | 1. ....                      |
| 2. ....                     | 2. ....                      |
- II. Details of the price of the goods in dollars and approximate rupee equivalent as follows:—
- (a) Commodity cost.
  - (b) Insurance charges.
  - (c) Ocean freight.
- It may particularly be stated if the insurance charges will be incurred in India and paid for in Indian rupees or whether Foreign Exchange would require to be remitted for the same. Similar information in respect of freight charges stating separately the expenditure on ocean freight in—
- (i) Dollars in respect of U.S.A. flag vessels;
  - (ii) Indian rupees; and
  - (iii) Other foreign currency should also be furnished.
- III. Approximate cost of ocean transport.
- IV. Ports of entry in India
- (Import of Tobacco against the sub-authorisation to be issued in terms of this Public Notice will be allowed only through the Sea Ports of Bombay, Calcutta, Madras, Cochin and Visakhapatnam and the airports of Calcutta, New Delhi, Bombay and Madras.)
- V. Name and address of the importer's Bank in India.

(7) A bank guarantee in the following form should be attached with the application form:—

"We hereby guarantee that in respect of the tobacco imported under the sub-authorisation (Licence) granted in terms of this application, the rupee equivalent of the dollar disbursement representing the net f.o.b. commodity cost in the invoice made by the U.S. banks under the letters of credit established against the letter of commitment issued by C.C.C.; at the dollar ready selling rate of exchange for drafts and T.Ts. (delivery within 5 days) in effect on the date of each dollar disbursement by the U.S. designated bank as indicated in the U.S. dollar rate list issued by the State Bank of India, Foreign Department, Calcutta, will be deposited into the U.S. Embassy Title Account in the Reserve Bank of India, New Delhi, immediately upon receipt of the shipping documents.

We also guarantee that the rupee equivalent of the Dollar amount representing the ocean transportation which is initially paid by the U.S. designated bank against letters of credit established against ocean transportation purchase authorisation No. 39-118-OT assigned to that bank and subsequently reimbursed by C.C.C. (which will exclude freight differential if any) at the dollar ready selling rate of exchange for drafts and T.Ts. (delivery within 5 days) in effect on the date

of reimbursement of the dollar amount by the C.C.C. to the U.S. designated bank as indicated in the U.S. Dollar rate list issued by the State Bank of India, Foreign Department, Calcutta, will be deposited in the U.S. Embassy Title Account in the Reserve Bank of India, New Delhi immediately upon receipt of notification from the U.S. designated bank."

(8) As soon as the rupee equivalent of the net f.o.b. commodity cost and/or the net ocean transportation referred to above is credited into the U.S. Title Account, the Banks in India must inform the Chief Controller of Imports & Exports, New Delhi, accordingly, enclosing the receipts from the Reserve Bank and indicating the relevant P.A. No. and sub-authorisation No. to which the transaction relates and other information as follows:—

(a) *For rupee deposits for commodity cost*

1. Name of the Importer.
2. Purchase Authorisation number.
3. Letter of credit No. and amount.
4. Sub-authorisation number.
5. Name of the vessel.
6. Quantity of unmanufactured tobacco covered by the dollar disbursement.
7. Dollar amount disbursed by U.S. Bank.
8. Date of dollar disbursement by U.S. Bank.
9. Exchange rate current on the date of dollar disbursement as notified by the State Bank of India, Foreign Department, Calcutta.
10. Rupee equivalent of the dollar disbursement calculated at the rate of exchange current on the date of dollar disbursement as notified by the State Bank of India, Foreign Department, Calcutta.
11. Amount of rupees deposited.
12. Date of deposit.

(b) *For rupee deposits for ocean transportation*

1. Name of the Importer.
2. Purchase Authorisation number.
3. Letter of credit No. and amount.
4. Sub-authorisation number.
5. Name of the vessel.
6. Quantity of unmanufactured tobacco in respect of which the transportation cost has been reimbursed by C.C.C. in dollars.
7. Dollar amount reimbursed by C.C.C.
8. Date of dollar reimbursement by C.C.C.
9. Exchange rate current on the date of dollar reimbursement, as notified by the State Bank of India, Foreign Department, Calcutta.
10. Rupee equivalent of the dollar reimbursement by C.C.C. (after deducting the ocean freight differential, if any) calculated at the rate of exchange current on the date of dollar reimbursement as notified by the State Bank of India, Foreign Department, Calcutta.
11. Amount of rupees deposited.
12. Date of deposit.

## (c) (Part I—Ship Arrivals and Unloadings)

For each vessel arriving with Title I PL-480 cargo show:

| Name of vessel | Date of arrival | Part of arrival | Commodity | Metric tons | Condition |
|----------------|-----------------|-----------------|-----------|-------------|-----------|
| (1)            | (2)             | (3)             | (4)       | (5)         | (6) ..    |

| Date unloading completed | Disposition of cargo ** |
|--------------------------|-------------------------|
| (7)                      | (8)                     |

\*\*Stored, distributed; locally shipped

## (c) (Part II—Compliance with PL-480 requirements on resale)

Statement with reference to:

- (1) Measures to prevent the resale or transshipment to other countries of commodities furnished.
- (2) Assurances that shipments have not resulted in increased availability for export from India of these or like commodities; conclusions to this effect should be supported by statistics and by reference to means used to carry out this provision.

This information should also be repeated to the Department of Economic Affairs, Ministry of Finance, New Delhi (one copy). It will be the sole responsibility of the importer and/or his bankers in India to deposit the correct rupee amount into the U.S. Title Account. The Chief Controller of Imports and Exports may release the bank guarantee after he is satisfied that the amount has been correctly deposited in the U.S. account

(9) The importer and/or the bank concerned must furnish to the Chief Controller of Imports and Exports, New Delhi, any information which he may require in connection with the import of unmanufactured tobacco under the above mentioned programme.

(10) Application form should clearly state the contracting and shipping period on the following basis:—

“Tobacco to be contracted between 1st May, 1964 to 31st July, 1964 (inclusive) for shipment between 1st May, 1964 to 31st August, 1964 (inclusive).”

(11) No contract entered into before the 1st May, 1964 will be eligible for being financed under P.As. No. 39-118 and No. 39-118-OT.

(12) Contract must be made on or before 31st July, 1964 at a fixed price. Also it should be registered in the office of the Chief Controller of Imports & Exports, New Delhi.

(13) As regards ocean transportation prior approval of charters and bookings must be obtained from the Director Programme, Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, DC. 20250 P.A. No. 39-118-OT is issued for ocean freight only and under C.C.C. regulation 11.4(d) (8) (ii): “Contracts for ocean transportation shall not be eligible for financing by C.C.C. if the supplier of the ocean transportation is also the supplier of the commodity, or is an affiliate of such supplier of the commodity, unless the supplier of ocean transportation is the owner of vessel named in form 106, or is the operator of such vessel by time charter.”

(14) As soon as a sub-authorisation is issued, the importer should request his bank in India referred to in the sub-authorisation through the Chief Controller of Imports and Exports, New Delhi, to arrange for the issuance of a letter of credit on the “U. S. Bank”. Referred to in the said sub-authorisation. “The U.S. Bank” which has been designated to operate the dollar line of credit for the commodity against P.A. No. 39-119 and Ocean Transportation against P.A. No. 39-118-OT is “First National Bank of Boston, 67, Milk Street, Boston, 6, Massachusetts”. The Chief Controller of Imports and Exports, New Delhi will then

inform the said U.S. Bank of the name of the Importer's Bank in India authorised to open letter of credit against each sub-authorisation, indicating at the same time—

(i) Purchase Authorisation No.

(ii) Sub-authorisation number.

(iii) Amount in dollars etc.

Cable charges will be recovered from the Importer. Importer's Bank in India will then arrange with the designated U.S. Bank for the establishment of letters of credit in favour of the supplier/carrier concerned with the amount allocated.

(15) The shipping documents will, as usual, be sent by the U.S. Bank to the Importer's Bank in India. Immediately upon receipt of these documents, the bank in India should credit into the U.S. Embassy Title Account in the Reserve Bank of India, New Delhi, the rupee equivalent of the dollar disbursement representing the net f.o.b. commodity cost in the invoice made by the U.S. bank under the letters of credit established against the letter of commitment issued by the C.C.C. at the rate of exchange in effect on the date of each dollar disbursement by the U.S. Bank. This rate of exchange will be the dollar ready selling rate for drafts and TTS (delivery within five days) indicated for that date in the U.S. dollar rate lists issued by the State Bank of India, Foreign Department, Calcutta, which are circulated to all offices of the bank. Similarly, immediately upon receipt from the U.S. designated bank of notification of reimbursement by C.C.C., the bank in India should credit into the U.S. Embassy Title Account in the Reserve Bank of India, New Delhi, the rupee equivalent of the dollar amount representing the ocean transportation (excluding freight differential, if any) reimbursed by C.C.C. against ocean transportation Purchase Authorisation No. 39-118-OT assigned to that Bank, at the rate of exchange in effect on the date of reimbursement of the dollar amount by the C.C.C. to the U.S. designated Bank. This rate of exchange will also be the dollar ready selling rate for drafts and T.Ts. (delivery within 5 days) indicated for that date in the U.S. dollar rate lists issued by the State Bank of India, Foreign Department, Calcutta.

(16) In the event of a complaint by the Importer, the importer should send to the Chief Controller of Imports & Exports, New Delhi, and the Agricultural Attache, U.S. Embassy, New Delhi, a copy each of the impartial controller's report or arbitrator's report, if any, and the debit note in respect of the claims for damage or deficiency. Claims shall be settled by payment in U.S. dollars, the payment being remitted by the suppliers to the concerned bank in India of the importer for the account of the importer. This bank is to be named by the Importer on his notice of claims. Immediately upon settlement of claim for damage and deficiency in quality and weight, the importer should notify to the Chief Controller of Imports and Exports, New Delhi of the details. *It is imperative that importers should receive the dollar claims in India and should in no case arrange for their being credited to their accounts with the suppliers.*

(17) The issue of sub-authorisations will be stopped immediately the monetary ceiling allocated for this purpose is reached.

(18) The applications complete in all respects may be made to the Chief Controller of Imports & Exports, New Delhi, on an immediate basis but not later than the 30th May, 1964. They should also accompany essentiality certificates of the requirements of unmanufactured tobacco issued in their favour by the

Directorate General of Technical Development and the Director of Industry of the States concerned in respect of the firms in the Scheduled and Non-Scheduled Sectors respectively. Applications received after this date or received incomplete are liable to be rejected without any reference to the applicants.

ANNEXURE I-A TO PUBLIC NOTICE No. 37-ITC(PN)/64, DATED 5TH MAY 1964

FAS FORM 480-A  
(2-1-60)

FOREIGN AGRICULTURAL SERVICE  
U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON 25, D.C.

COUNTRY

India

AUTHORIZATION No.  
39—118

AUTHORIZATION TO PURCHASE  
SURPLUS AGRICULTURAL COMMODITIES WITH  
FOREIGN CURRENCY  
(TITLE I, P. L. 480)

AGREEMENT DATE  
November 26, 1962, as amended  
April 1, 1963.

BASED ON APPLICATION NO.

39—118-A

DATED

April 16, 1963.

AUTHORISED  
AMOUNT

\$ 791,646

CONTRACTING PERIOD

DESCRIPTION OF COMMODITY

FROM

MAY 1, 1964

TO

July 31, 1964 (incl.)

Unmanufactured Tobacco and/or Tobacco Products  
(as described in Section I of the attached Special  
Provisions)

DELIVERY PERIOD

FROM

MAY 1, 1964

TO

August 31, 1964 (incl.)

The importing country is hereby authorized to enter into contracts for the agricultural commodity named above subject to the provisions of the Regulations Governing the Financing of Commercial Sales of Surplus Agricultural Commodities for Foreign Currencies (24 Federal Register 8825) and any amendments thereto in effect on the date hereof, and subject to the terms, conditions and special provisions specified herein or attached hereto.

1. Commodity Credit Corporation will finance the procurement of the above commodity by issuing Letters of Commitments, not in excess of the amount indicated above, to the United States banking institutions designated by the importing country.

2. This authorization is based on application number shown above. The representations, assurances, and conditions set forth in that application are incorporated herein.

SIGNATURE FOR THE ADMINISTRATOR, FOREIGN  
AGRICULTURAL SERVICE U. S. DEPARTMENT OF  
AGRICULTURE.

DATE OF ORIGINAL  
AUTHORIZATION

APR. 24 1964

ACCEPTANCE OF THE IMPORTING COUNTRY  
This authorization is hereby accepted.

FOR THE GOVERNMENT OF  
India

BY (AUTHORIZED  
SIGNATURE)

DATE  
APR. 24 1964

AUTHORIZATION No. 39-118

COUNTRY: India

UNMANUFACTURED TOBACCO  
AND/OR TOBACCO PRODUCTS

**Special Provisions :**

1. *Quantity and Commodity.*—Approximately 290 metric tons (basis unmanufactured U.S. leaf tobacco). The Government of India is authorised to purchase either unmanufactured U.S. leaf tobacco from 1963 or prior crop years or tobacco products. In the case of tobacco products, CCC will finance a portion of the price of the tobacco product which represents the unmanufactured U.S. leaf tobacco used in the manufacture of such products as provided for in Section 2(e) of these Special Provisions.

2. *Contracting.*—Only contracts entered into between importers and suppliers on or after 7 calendar days after the date of issuance of this authorisation and on or before July 31, 1964, will be eligible for financing hereunder. The Government of India shall instruct its importers to contract in accordance with the Regulations, and the provisions of this authorisation.

(a) Sale and final settlement shall be based on:

(1) *Tobacco Examination Report.*—(FAS Form 480-C) issued by the Producer Associations Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, following examination at port of loading to vessel.

and

(2) *In the case of tobacco examined at the loading pier.*—(FAS Form 480-DI, "Certification by Port Official with Respect to Loading Certain Tobacco".

or

*In the case of tobacco examined at a public warehouse in the port area.*—(FAS Form 480-E). "Certification of Warehouse Official with Respect to Consignment of Certain Tobacco" and (FAS Form 480-F), "Certification of Port Official with Respect to Receiving and Loading Certain Tobacco".

and

(3) *Weight Certificate.*—(FAS Form 480-G) except that in the case of sale to an affiliate of the supplier, a Packaging Certificate (FAS Form 480-G-1) may be substituted therefor.

(4) *Contracts.*—As soon as possible after the contract is signed and at least ten days prior to exportation the supplier must notify the Director, Producer Associations Divisions, ASCS, United States Department of Agriculture, Washington, D.C. 20250, the date and port at which the tobacco or tobacco products will be available for examination together with contract data as follows :—

- (i) Supplier's name and address.
- (ii) Purchase authorization number.
- (iii) Country of destination.
- (iv) Commodity description including hogshead or shipping numbers, grade, number of cases, type selling price per hundredweight and crop year if the tobacco is of 1956 or prior crops. In the case of tobacco products, the basis of the contract in terms of the f.a.s. vessel value of the untreated tobacco strip or shredded tobacco to be included in the tobacco product as follows :—

Grade No. Hnds.  
or Cases

Net Weight Type

f.a.s. vessel  
value per cwt.

- (v) If the contract includes tobacco products, the supplier must also notify the Director, Producer Associations Division, the time and place at which tobacco strip or shredded tobacco may be examined immediately prior to processing and the tobacco products sampled immediately after processing.

(vi) Name and address of the sales agent, if any.

(vii) Percentage of sales commission, if any, included in price.

(viii) Such additional information as may be required by the Director, Producer Associations Division.

(b) In addition to other markings required by the importer, there shall be stencilled on each hoghead or case the hoghead or case number (or designated shipping number), gross weight, purchase authorization number and name of importing country.

(c) Any cost involved in the examination of the tobacco, and for services of Port Officials, warehouse officials and weighmasters as required by this authorization will be for the account of the supplier.

(d) The unmanufactured tobacco shall not include cigar cutting, scrap, siftings, stems (except the stem of leaf sold), trimmings, and homogenized leaf.

(e) In the case of tobacco products the following will apply:—

(1) The tobacco products eligible for contracts under this authorization and portion of the price of the tobacco products which will be financed by CCC are as follows:—

*Tobacco Product.*—Tobacco strips or shredded tobacco with flavoring or casing material or other tobacco added. CCC financing exclusive of any freight and insurance, will be the lesser of (1) the amount determined by CCC to represent the f.a.s. value of the untreated tobacco strip or shredded tobacco contained in the tobacco product, or (2) the contract price less the cost of the flavoring, casing material, and other tobacco added including its application.

(2) All contracts between suppliers and importers shall state:—

(a) The tobacco product, the quantity, the contract unit price, and the total contract price of such product.

(b) The portion of the contract unit price of the tobacco product to be financed by CCC which represents the unmanufactured U.S. leaf tobacco used in its manufacture.

(c) The portion of the unit price of the tobacco product to be financed by the importer.

(3) Supplier's Certificate, CCC Form 329.

The Invoice and Contract Abstract part of this form will be prepared on the basis of the unmanufactured U.S. leaf tobacco used in the manufacture of the tobacco product(s). In addition to the instructions on the form, the following will apply:

Blocks 7, 8 and 9 shall be completed from the data shown on the invoice in "Allocation of the Net Invoice Price". [See Section 4(b) hereof].

In block 5 show unmanufactured U.S. leaf tobacco as commodity.

Blocks 18, 19, and 20 shall be completed on the basis of the portion of total contract price to be financed by CCC computed in accordance with Section 2(e) (1) hereof.

(f) Purchases under this authorization may be made through negotiation with a supplier or suppliers of the importer's choice, or by requesting the submission of competitive offers. If competitive offers are requested, the importer's requests shall not limit the right to submit offer to any specified group or class of suppliers, but shall permit submission of offers by any supplier qualified under Section 11.4(c) (2) of the Title I, Public Law 480 Regulations.

(g) The suppliers shall state in Block 21 of CCC Form 329 either: "I am an affiliate of the importer", or "I am not an affiliate of the importer".

(h) Where an agency or corporation owned or controlled by the Government of the importing country is acting as supplier, CCC financing of commodity shall not be in excess of the initial cost to such agency for acquisition from U.S. sources, plus any cost of transportation to point of loading to vessel which is not included in the initial cost to such agency.



(1) No commission paid or to be paid to any agency or corporation owned or controlled by the Government of the importing country will be eligible for financing, whether included in the price of the commodity or separately stated.

(j) In the event CCC is unable to ascertain the prevailing range of export market prices for the commodity as provided for in Section 1111 of the title I, Public Law 480 Regulations, CCC will determine a maximum export market price for the commodity at the time of sale for the time and place of delivery, utilizing, as needed, available domestic or export market information for the same or other, quality descriptions, packagings, locations, and dates, applying appropriate market differentials where applicable and such other factors as would be reflected in the export market price at the time of sale for the time and place of delivery, taking into account CCC export sales prices where appropriate.

**3 Delivery.**—To importer f a s vessel US port(s). Shipments from US port(s) may be made on or after 7 calendar days after date of issuance of this authorization but not later than August 31, 1964.

**4. Documentation.**—The documentation required in the regulations, except Section 1119(a)(9)(vii) and the following —

(a) In the case of both unmanufactured leaf tobacco and tobacco products.—

- (1) The signed original of Examination Report, FAS Form 480-C.
- (2) The signed original of FAS Form 480-D, "Certification by Port Official with Respect to Loading certain Tobacco."

or

The signed originals of FAS Form 480-E, "Certification of Warehouse Official with Respect to Consignment of Certain Tobacco" and FAS Form 480-F, "Certification of Port Official with Respect to Receiving and Loading certain Tobacco."

- (3) The signed original of FAS Form 480-G "Weight Certificate" or FAS Form 480-G-1, "Packaging Certificate". In the case of tobacco products *Weight Certificate* or *Packaging Certificate* shall be submitted for the strip or shredded tobacco before flavoring, casing material, or other tobacco is added, and *Weight Certificate* shall be submitted for the tobacco products containing such material.
- (4) The invoice shall contain the following certification signed by the supplier "The undersigned hereby certifies that the unmanufactured tobacco represented on this invoice does not contain cigar cuttings, scrap, siftings, stems (except the stem of the leaf sold), trimmings or homogenized leaf."
- (5) The supplier's invoice shall identify the tobacco by US type and recapitulate the quantity and value of the tobacco by type. This information is required on only one copy of the detailed invoice and such copy shall be included with the documents submitted to CCC. The supplier's detailed invoice shall contain a certification that the tobacco covered by the invoice was produced in the continental United States or Puerto Rico during the period authorized in the purchase authorization. If the purchase authorization provides, "1963 or prior crop years", it will be sufficient, unless the tobacco was produced during the crop years prior to 1957 to certify that the tobacco was produced in "1957-63 crop years". If the tobacco was produced in crop years prior to 1957 crop year, the certification must state the specific crop year.
- (b) In the case of tobacco product, the supplier's detailed invoice shall show the following —

*Allocation of Net Invoice Price.*

|   |          |
|---|----------|
| A. Invoice total for _____ pounds tobacco product | \$ _____ |
| Less (1) Cost of casing or flavoring material     | \$ _____ |
| (2) Cost of tobacco not covered by FAS Form 480-C | \$ _____ |
| B. Amount to be financed by importer              | \$ _____ |

C. Amount to be financed by CCC \$————

(c) The CCC copy of the supplier's detailed invoice shall include the following certification:—

"The undersigned hereby certifies that the commodity for which payment is claimed herein was not acquired by the supplier from Anthony DeAngelis, Adolf Gobel, Inc., Allied Crude Vegetable Oil Refining Corporation, Atlantic Industries & Terminal, Inc., Chicago Refining Corporation, Continental Refining & Packaging Company, Inc., Eastern Edible Refining Corporation, Metropolitan Fats and Oils Company, Inc., Metropolitan Shortening Corporation, Queens Shortening and Refining Corporation, Riverside Shortening Corporation, Shortening Corporation of America, Inc., Trans-World Refining Corporation, or Universal Automated Industries, Inc."

(d) The supplier must present documentation required by CCC to the U.S. bank for immediate payment or for acceptance of a time draft. No transaction under a letter of credit which provides for deferred presentation of documentation required by CCC shall be eligible for financing.

**5. Deposit of Local Currency.**—The amount of Indian rupees to be deposited by the Government of India with the United States Disbursing Officer, United States Embassy, New Delhi, India, shall be equivalent to the dollar sales value of the commodity financed by the Government of the United States, converted into Indian rupees at the rate for dollar exchange applicable to commercial import transactions on the date of dollar disbursements. Deposits shall be made in accordance with Section 11.4(d)(10) of the Regulations. The documentation to be furnished to the United States Disbursing Officer for each deposit shall be in duplicate.

**6. Ocean Transportation.**—Unless otherwise authorized by the Director, Program Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, at least 50 per cent of the tonnage of the commodity purchased hereunder will be required to be shipped on privately owned United States-flag commercial vessels in accordance with the provisions of Public Law 664, 83rd Congress. Advance approval of charters and bookings must be obtained. This may be done by telephone

(DUDley 8-4314 or DUDley 8-4315) or telegram provided CCC Form 105 confirming the information supplied by telephone or telegram is furnished promptly. CCC Form 106, "Advice of Vessel Approval", will be issued by USDA for each vessel approved and will indicate whether or not the cost of ocean transportation will be financed by CCC, and whether or not a Notice of Arrival will be required as a condition of payment. If the CCC Form 106-2 indicates that the cost of ocean transportation will be financed by CCC, the Government of India may obtain reimbursement for such ocean transportation costs under Ocean Transportation Authorization No. 39-118-OT.

**7. ASCS Office.**—The ASCS Office which will administer this financing operation on behalf of CCC is:

Fiscal Division,  
Agricultural Stabilization and  
Conservation Service  
U.S. Department of Agriculture  
Washington, D.C. 20250.

#### FOR INFORMATION PURPOSES OF UNITED STATES SUPPLIES ONLY

Information concerning purchases may be obtained from:

India Supply Mission,  
2536, Massachusetts Avenue, N.W.  
Washington, D.C. 20008  
(Telephone: Columbia 5-5200).

Inquiries with respect to the authorization may be directed to the Program Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. (Telephone: DUDley 8-6463 or DUDley 8-6438).

## ANNEXURE I-B TO PUBLIC NOTICE No. 37-ITC(PN)/64, DATED 5TH MAY, 1964

|   |   |                                      |
|---|---|--------------------------------------|
| <b>FAS FORM 480-A (OCEAN TRANSPORTATION)</b><br>(2-1-60)<br><b>FOREIGN AGRICULTURAL SERVICE</b><br><b>U.S. DEPARTMENT OF AGRICULTURE</b><br>WASHINGTON 25 D.C.<br><br><b>AUTHORIZATION TO PROCURE OCEAN TRANSPORTATION (TITLE I, P. L. 480)</b> | <b>COUNTRY</b>                                |                                      |
|   | India   |                                      |
|   | <b>OCEAN TRANSPORTATION AUTHORIZATION NO.</b> |                                      |
|   | 39-118-CT                                     |                                      |
|   | <b>AGREEMENT DATE</b>                         |                                      |
|   | November 26, 1962, as amended April 1, 1963   |                                      |
| <b>BASED ON APPLICATION NO.</b>   | 39-118-A                                      | <b>DATED</b>                         |
|   |   | APRIL 16, 1963                       |
|   |   | <b>AUTHORIZED AMOUNT</b>             |
|   |   | \$40,000                             |
| <b>COMMODITY</b><br>Unmanufactured Tobacco and/or Tobacco Products  | <b>DELIVERY PERIOD</b>                        |                                      |
|   | <b>FROM</b><br>May 1, 1964                    | <b>TO</b><br>August 31, 1964 (incl.) |

The importing country is hereby authorized to procure ocean transportation, subject to the provisions of the Regulations Governing the Financing of Commercial Sales of Surplus Agricultural Commodities for Foreign Currencies (24 Federal Register 8825) and any amendments thereto in effect on the date hereof, and subject to the terms, conditions and special provisions specified herein of attached hereto.

1. Commodity Credit Corporation will reimburse under this authorisation up to the amount indicated above and for the dollar cost of ocean transportation of the tonnage of the above named commodity which is covered by the maximum quantity figures shown on Forms CCC-106 bearing the number of this authorisation and which is shipped on the vessels named in such forms. Such reimbursement will be made upon submission to the Fiscal Division, CSS, U.S. Department of Agriculture, Washington 25, D.C. of the documents required under Section 11.9(b) of the Regulations.

2. This authorisation is based on application number shown above. The representations, assurances and conditions set forth in that application are incorporated herein.

### 3. Special Provisions:—

- (a) **Adjustment Refunds.**—Suppliers shall report all adjustment refunds to the Controller, CCC. Upon demand by CCC the importing country shall pay to CCC an amount in dollars equal to the dollar value of such adjustment refunds. CCC will refund foreign currency by the method provided for in Section 11.4(d)(9)(ii) of the Regulations.
- (b) **Deposit of Foreign Currency.**—The amount of Indian rupees to be deposited by the Government of India with the United States Disbursing Officer, United States Embassy, New Delhi, India, shall be equivalent to the dollar value of the ocean transportation costs reimbursed by the Government of the United States converted into Indian rupees at the rate for dollar exchange applicable to commercial import transactions on the date of dollar disbursements. Deposits shall be made in accordance with Section 11.4(d)(10) of the Regulations. The documentation to be furnished to the United States Disbursing Officer for each deposit shall be in duplicate.
- (c) **Additional Documentation.**—In addition to the information required by Section 11.4(b)(3) of the Regulations to be shown on the supplier's detailed invoice, such invoice shall contain the following typed or stamped certification executed by the supplier. "The undersigned hereby certifies that the vessel named herein and for which the cost

of ocean freight is claimed, qualifies as a privately-owned United States-flag commercial vessel within the requirements of Public Law 87-286 and is an eligible U.S. flag vessel for the purposes of Public Law 864".

|   |  |
|---|--|
| SIGNATURE FOR THE ADMINISTRATOR, FOREIGN<br>AGRICULTURAL SERVICE, U.S. DEPARTMENT OF<br>AGRICULTURE | DATE OF ORIGINAL<br>AUTHORIZATION<br><br>APR. 24, 1964 |
|---|--|

## ACCEPTANCE OF THE IMPORTING COUNTRY

This authorization is hereby accepted.

|                                |                              |                    |
|--------------------------------|------------------------------|--------------------|
| FOR THE GOVERNMENT OF<br>INDIA | BY (AUTHORIZED<br>SIGNATURE) | DATE APR. 24, 1964 |
|--------------------------------|------------------------------|--------------------|

ANNEXURE—II TO PUBLIC NOTICE No. 37-ITC(PN)/64, DATED THE 5TH MAY, 1964.

PL. 480 aid programme

Sub-authorisation No. ....

GOVT. OF INDIA  
(IMPORT TRADE CONTROL)

IMPORT PERMIT  
(Tobacco Imports From U.S.A.)

Issued under the provisions of Imports & Exports (Control) Act 1947, as amended from time to time and without prejudice to the application of any other prohibition or regulation affecting the importation of tobacco which may be in force at the time of its arrival.

The Government of India are pleased to permit

Messrs: .....

Address: .....

Income tax verification No: .....

to import tobacco subject to the conditions prescribed in Ministry of International Trade Public Notice No. 37-ITC(PN)/64, dated 5th May, 1964 and any other condition that may further be prescribed in this behalf by the Government of India from time to time through Official Gazette.

Description of Commodity: .....

Importer's grades of tobacco.      Approximate quantity in Kilograms.

(i) ..... (i) .....  
(ii) ..... (ii) .....

Source U.S.A.

Contracting period from: ..... Ending .....

Delivery period from: ..... Ending .....

(period of shipment)

Amount of Dollars sub-authorised:      U.S. Dollars .....  
Rupee equivalent .....

Banking Institution to handle financing:—

Bank in India .....  
U.N. Bank .....

Basis of Delivery .....

Port of entry into India ..... (vide para 61V)  
of Public Notice No. 37-ITC(PN)/64, dated 5th May 1964.

Limiting factor for purposes of clearance through Customs.....  
Value only.

Chief Controller of Imports and Exports, New Delhi.

(Issued from File No. ....)

**Condition.**—The payment authorised to be made against this licence will not cover commission, discount or rebate allowed by the Foreign Supplier/Manufacturer to the Concessionaries, i.e., the Importers in India.

ANNEXURE III TO PUBLIC NOTICE No. 37-ITC(PN)/64, DATED 5TH MAY 1964

1. **General.**—(a) For imports under this programme the sub-authorisation will be issued in duplicate, one for customs and the other for the rupee payments.

(b) The sub-authorisation is not transferable except with the permission of Chief Controller of Imports & Exports or a person duly authorised by him.

(c) Any unauthorised alteration or erasure in this permit shall render it null and void.

(d) No remittance of foreign exchange is to be made against the sub-authorisation except to the extent specified in para 2(e) (ii) below but the importer is required to deposit the Rupees as specified in the notice.

(e) The Chief Controller of Imports and Exports may supplement, modify or revoke the sub-authorisation at any time under special consideration.

2. **Contract with Suppliers (Exporters).**—(a) The contract shall be entered into only during the period specified in the sub-authorisation.

(b) The shipment shall take place during the period specified in the sub-authorisation.

(c) The importer should inform the supplier as well as the carrier concerned that the transactions will be financed in terms of the Agricultural Commodities Agreement between the Government of United States and the Government of India signed under the United States Public Law 480. The Importer, the supplier and the carrier must strictly follow the Regulations governing the financing of surplus Agricultural Commodities for Foreign Currencies issued by the U.S. Department of Agriculture. The importer should also intimate to the supplier/carrier the Purchase Authorisation No. 39-118 and No. 39-118-OT and instruct them of the special provisions for carrying out the transactions.

(d) Within a fortnight of the expiry of the contracting period mentioned in the sub-authorisation, the importer shall report to the Chief Controller of Imports & Exports, Ministry of International Trade, New Delhi, the total value of the goods contracted for, mentioning the No. of the sub-authorisation. If no report is received by the due date, it will be presumed that no contract has been entered into and the sub-authorisation shall be treated as cancelled.

(e) The importer must advise the supplier that at least 50% of the tonnage of the commodity purchased hereunder must be shipped on privately owned United States Flag Commercial Vessels. For full instruction in this connection please refer to para 6 of Purchase Authorisation No. 39-118 annexed hereto.

according to which advance approval of charters and bookings must be obtained. Further procedure will be as below:—

- (i) *Ocean Transportation by U.S. flag vessels.*—In this case the ocean transportation will be paid initially by the U.S. designated bank against letters of credit established against ocean transportation purchase authorisation No. 39-118-OT assigned to that Bank who will get it reimbursed from the C.C.C. The approval obtained by the supplier for vessel booking will state the amount of ocean freight differential, if any, which the C.C.C. will recognise and absorb as existing between the prevailing foreign flag vessel rate and the U.S. flag vessel rate. The amount of such a differential will be reimbursed separately by the C.C.C. and will not be included in the dollar amount of reimbursement for which rupees have to be deposited into the U.S. Title Account in India.
- (ii) *Ocean transportation by Non-U.S. flag vessels.*—Ocean freight on such transportation will not be reimbursed by the C.C.C. against P.A. No. 39-118-OT and will have to be remitted by the importer through his bank in India for which necessary foreign exchange if required will be made available to the importer.
- (f) The importer shall advise the shipper to airmail at the time of lading two copies of photostats of the ocean or charter party bill of lading or airway bill to the Chief Controller of Imports and Exports, New Delhi.
- (g) The contract for the commodity with the supplier should provide that payment shall be by cash against sight draft supported by necessary documents on a banking institution indicated in the sub-authorisation, in the United States.
- (h) *Other conditions will be as specified in Purchase Authorisation No. 39-118 and No. 39-118-OT annexed hereto (and marked as Annexure I-A and I-B respectively). The importers should fully familiarise themselves with all the regulations and provisions of the Purchase Authorisations and inform the suppliers (exporters/carriers) accordingly with a view to ensuring that none of the regulations governing the sales of agricultural commodities issued by the U.S.A. are violated. This is important.*

#### PURCHASE PRICE

The purchase in U.S.A. can be made freely at the prevailing U.S. market price.

P. SABANAYAGAM,  
Chief Controller of Imports & Exports.